

**BOARD OF ENVIRONMENTAL REVIEW  
AGENDA ITEM  
EXECUTIVE SUMMARY FOR  
ADOPTION WITH AMENDMENT OF NEW RULES I – IV and AMENDMENT of ARM  
17.30.602, 17.30.706 and 17.30.715**

**Agenda # III.A.2.**

**Agenda Item Summary**

The department requests that the Board adopt New Rules I through IV and amend ARM 17.30.602, 17.30.706 and 17.30.715 as they have been amended in response to public comment.

**List of Affected Rules**

New Rules I through IV and ARM 17.30.602, ARM 17.30.706 and ARM 17.30.715

**Affected Parties Summary**

The proposed new rules could affect parties that have or will have surface water discharges that may affect the Electrical Conductivity or Sodium Adsorption Ratio of waters in the Tongue River, Powder River, Little Powder River or Rosebud Creek watersheds. New Rule III could affect parties who may discharge to a pond designed to receive water produced from Coal Bed Methane development.

**Scope of Proposed Proceeding**

The Department requests that the Board adopt New Rules I-IV, and amend ARM 17.30.602, 17.30.706 and 17.30.715.

**Background**

On August 29, 2002 the Board published notices of public hearings pertaining to the proposed adoption and amendment of the above-stated rules. The public hearings were held in September 2002 in Miles City, MT and Helena, MT. On December 26, 2002 the Board published MAR Notice No. 17-187, that amended MAR Notice No. 17-171 and held a hearing on January 31, 2003. The comments received and the responses to those comments are attached and are included in the draft Notice of Adoption and Amendment.

**Hearing Information**

Public hearings were held in September 2002 in Miles City, MT and Helena, MT and a hearing on the amended notice was held in Helena, MT on January 31, 2003. The public comment period closed on February 7, 2003.

**Board Options**

1. Amend the notice to reflect some of the suggestions received during the public comment period as shown in the attached draft Notice of Adoption and Amendment;
2. Adopt and Amend the rules as originally noticed; or
3. Decline to adopt and amend the rules and re-notice the proposed new rules and rule amendments.

**DEQ Recommendation**

The Department recommends that the Board amend the rules cited above with some of the changes recommended during the public comment period.

**Enclosures**

The following information is attached to this summary:

- 1) Notice of Public Hearing on Proposed Adoption and Amendment for MAR Notice Nos. 17-171 and 17-187;
- 2) Draft Notice of Adoption and Amendment for MAR Notice No. 17-187;
- 3) House Bill 521 and House Bill 311 Analyses;
- 4) Comments received regarding MAR Notice No. 17-187 Hearing; and
- 3) Board Decision Document Dated 3/11/03.